

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

AUG 30 2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DIVISION

JAMES W. McCORMACK, CLERK
By: Sou DEP CLERK

Valentino V. Warren

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. 4:12 cv 549 Jmm
(case number to be supplied by the assignment clerk)

Krispy Kreme Doughnuts
Hal Smith Restaurant Group

This case assigned to District Judge Moody
and to Magistrate Judge Deere

(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Valentino V. Warren, is a
(name of plaintiff)
citizen of the United States and resides at 613 Neal St.,
(street address)
Jacksonville, USA, Arkansas, 72076,
(city) (county) (state) (ZIP)
501 347-7506.
(telephone)

3. Defendant, Krispy Kreme Doughnuts, lives at, or its
(name of defendant)
business is located at 1315 S. Shackleford Rd, Little Rock,
(street address) (city)
USA, Arkansas, 72202.
(county) (state) (ZIP)

4. Plaintiff sought employment from the defendant or was employed by the

defendant at 1315 S. Shackleford Rd Little Rock,
(street address) (city)
USA, Arkansas, 72202.
(county) (state) (ZIP)

5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10 of the complaint on or about Jan 27 2012.
(month) (day) (year)

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraphs 9 and 10 of this complaint on or about Jan 27 2012.
(month) (day) (year)

7. The Equal Employment Opportunity Commission issued a Notice of Right to Sue which was received by plaintiff on 8 27 2012, a copy of which notice is attached to this complaint.
(month) (day) (year)

8. Because of plaintiff's (1) _____ race, (2) _____ color, (3) _____ sex, (4) _____ religion, (5) _____ national origin, defendant:

(a) _____ failed to employ plaintiff.

(b) _____ terminated plaintiff's employment.

(c) _____ failed to promote plaintiff.

(d) _____

9. The circumstances under which the defendant discriminated against plaintiff were

as follows: I was dismissed for 'sexual harassment'.
I was not given any evidence or formal
reprimand. I have been with the company
for the past (5) years, have received
many accolades, and have never had an
incident concerning my conduct. I feel
because of how I was dismissed, they
violated my right of 'Due Process'.

10. The acts set forth in paragraph 9 of this complaint:

- (a) ☒ are still being committed by defendant.
- (b) ☐ are no longer being committed by defendant.
- (c) ☐ may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) ☐ Defendant be directed to employ plaintiff, and
- (b) ☐ Defendant be directed to re-employ plaintiff, and
- (c) ☐ Defendant be directed to promote plaintiff, and

- (d) ☒ Defendant be directed to expunge dismissal of
'sexual harassment' & release my unemployment.

and that the Court grant such relief as may be appropriate, including injunctive orders, damages,

costs and attorney's fees.

Valentino J. Warren
SIGNATURE OF PLAINTIFF

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Valentino Warren**
613 Neal Street
Jacksonville, AR 72076

From: **Little Rock Area Office - 493**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2012-00547

Matilda Louvring,
Investigator

(501) 324-5535

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

William A. Cash, Jr. /m

William A. Cash, Jr.
Area Director

08-24-2012

(Date Mailed)

Enclosures(s)

cc: **Jason Hart**
Area Director
Krispy Kreme
3101 W. Tecumseh Road, Suite 200
Norman, OK 73072

June 5, 2012

To whom it may concern:

I, Valentino Valentine Warren, am requesting punitive damages in the amount of \$2.5m (Two million, five hundred thousand dollars, in regard to:

- Loss of wages
- Defamation of Character
- Wrongful Accusation
- Wrongful Termination
- Any/all legal fees

During this whole ordeal, I have experienced the following:

- Financial Duress to my family
- Foreclosure action taken on my home
- Repossession of our family vehicle
- Employment Hardship due to false accusation

I am writing this letter so that all parties involved can be aware of my situation, and we can reach a common ground of compromise.

Valentino V. Warren

Valentino V. Warren
613 Neal St.
Jacksonville, AR 72076
August 6, 2012

Office of the Clerk
Supreme Court of the State of Arkansas
Arkansas Court of Appeals
Justice Building
625 Marshall Street
Little Rock, AR 72201

Re: Petition for Review #2012-BR-01086

To whom it may concern;

I, Valentino Valentine Warren, am requesting a Petition for Appeal to the Board of Review, form #2012-BR-01086.

I have enclosed a statement of the action taken by me, and have sent copies to the Department of Workforce Services, and to the employer, Hal Smith Restaurant.

In addition, I request a subpoena of Ms. Lourdes Sanchez (501.615.3944), to have her testimony in person, along with the supposed video in question.

Kind Regards,

Valentino V. Warren

Valentino V. Warren

#2012-BR-01086

Statement of Action Taken

When I was first denied benefits, the unemployment rep informed me of the person and accusation. I replied that I was friends with the 'supposed' accuser, and that I had a statement from another employee (Zavier Keeny, previously submitted), stating how Mr. Hart tried to have her confess to the exact same statement. After my 1st appeal, I contacted Ms. Sanchez's (accuser) brother in-law (Loydd Lambert), not Ms. Sanchez. Mr. Lambert said he spoke to Lulu (Ms. Sanchez), and she affirmed him that she made no such complaint. I later received an email from Mr. Hart saying that I was trying to persuade people to change their story, and that he would call the Little Rock DA if I persisted. After this email, which I ignored, I later did contact Ms. Sanchez and told her what was happening. She said she didn't work there anymore and didn't want to get involved, out of fear of court. (Ms. Sanchez may not have legal U.S. status, and does not want to risk the chance of being deported, due to the fact her kids are born here). I told her I understood and would try to keep her out of it.

I believe that when Mr. Hart and Mr. Garrett could not scare Zavier Keeny into a confession, they then manipulated Ms. Sanchez, knowing full well of her immigration status.

It has also come to light that Ms. Sanchez had a sexual relationship with PM manager 'Andrew Holub'.

I believe they used her to cover their lies, and later fired her, knowing she wouldn't make a fuss.

Prior to this mailing, I received a forwarded email with video attached. It was sent by 'Private Person', with a copy sent to info@eeoc.

I request that an official company released video of my misconduct be subpoenaed, along with Ms. Sanchez, and her supposed statement at my 1st denial of unemployment benefits. Mr. Hart saying he was watching the video over the phone during our hearing is not proof.

Due to this label of discharge (sexual harassment) it has hindered me greatly from obtaining new employment, especially in the management field. I have devoted the past (5) years to Krispy Kreme, which is hard to account for when looking for a job and listing your job history. I am still awaiting a pending case with EEOC.

PRESS RELEASE 2012

Krispy Kreme bares false witness against former Assistant General Manager

Former assistant GM, Valentino Warren, is seeking legal action against former employer Krispy Kreme in Little Rock. Mr. Warren was dismissed in January of this year for accusations of 'sexual harassment'. Mr. Warren denied such claims, and says the company violated his rights of 'due process'.

Upon dismissal, Mr. Warren was contacted by employees notifying him of questionable activity with management. Mr. Warren was given a written statement by a former employee, stating how she was coerced to say that her and Mr. Warren were performing inappropriately on the job. When she denied such claims, it was dismissed, until later the supposed offender was said to submit a claim to unemployment, stating the exact same story.

After an 8 month investigation with EEOC, there were no indications that this was a race motivated issue, but Mr. Warren was still granted the right to sue.

Valentino Warren has been with Krispy Kreme for the past 5 years. He was best known for his appearances on 'Good Day Arkansas', and was best known by many customers for his great personality, and a warm smile. Male, Female, young or old, Valentino greeted his guests with a smile and a hug, making everyone's day just a little brighter.

Valentino, who is owner/operator of Kiki's Katering in Jacksonville, says this whole ordeal has been tiring not only to him, but to his family as well. He says if the company would have just let him go, that would have been fine, but to be labeled with 'sexual harassment' is not only a lie, but an insult.

Valentino Valentine Warren

613 Neal St.

Jacksonville, AR 72076

501.347.7506 Cell

chefvalnyc@yahoo.com

1 of 2

RECEIVED

AUG 01 2012

ARKANSAS EMPLOYMENT SECURITY DEPARTMENT WORK SHEET		Page _____	BY: of _____
CLAIMANT NAME: Valentino V. Warren	SS NO.: 085621438	BYR: 1975	525
DATE: 8-1-2012	LOCAL OFFICE NO.: 0160	ISSUE: statement of action taken	
<input checked="" type="checkbox"/> CLAIMANT <input type="checkbox"/> EMPLOYER <input type="checkbox"/> REBUTTAL <input type="checkbox"/> OTHER (SPECIFY) _____			

STATEMENT: When I was first denied benefits, the unemployment rep informed me of the person and accusation. I replied that I was friends with the supposed accuser, and that I had a statement from another employee (Zavier Keeny-previously submitted) stating how Mr. Hart tried to have her confess to the exact same statement. After my 1st Appeal, I contacted Ms. Sanchez (accuser) brother in law (Lloyd Lambert), not Ms. Sanchez. Mr. Lambert said he spoke to Lulu (Ms. Sanchez) and she affirmed him that she made no such complaint. I later received an email from Mr. Hart saying that I was trying to persuade people to change their story, and that he would call the Little Rock DA if I persisted. (I can furnish upon request) After this email, which I ignored, I later did contact Ms. Sanchez and told her what was happening. She said she didn't work there anymore and didn't want to get involved out of fear of court. (Ms. Sanchez may not have legal U.S. status, and does not want to risk the chance of being deported, due to the fact her kids are born here). I told her I understood and would try to keep her out of it.

→ Next Page

I certify that the information given on this Form is correct to the best of my knowledge and belief, and I understand that the law provides penalties for making false statements or failing to disclose a material fact in order to cause denial of benefits not due.

Date: Aug. 1, 2012

Your Signature: Valentino V. Warren

LOCAL OFFICE USE ONLY

- ☒ By Phone
☒ In Person
☐ Other (Specify) _____

Interviewer's Signature: YMcDaniel

Date: 8-1-12

2 of 2

12-1

ARKANSAS EMPLOYMENT SECURITY DEPARTMENT

WORK SHEET

Page _____ of _____

CLAIMANT NAME: Valentino V. Warren	SS NO.: 085-62-1438	BYR: 1975	525
DATE: 8-1-2012	LOCAL OFFICE NO.: 0160	ISSUE: statement of action taken	

☒ CLAIMANT ☐ EMPLOYER ☐ REBUTTAL ☐ OTHER (SPECIFY) _____

STATEMENT: I believe that when Mr. Hart and Mr. Garrett could not scare Xavier Keeny into a confession, they then manipulated Ms. Sanchez, knowing full well of her immigration status.

It has also come to light that Ms. Sanchez had a sexual relationship with PM manager 'Andrew Holub'.

I believed they used her to cover their lies, and later fired her, knowing she wouldn't make a fuss.

I request that the 'supposed' video be subpoenaed and the truth can be seen. Saying he (Mr. Hart) was watching the video over the phone is not proof. Due to this label of discharge (Sexual Harassment) it has hindered me greatly from obtaining new employment, especially in the management field. I have devoted (5) years to Krispy Kreme, which is hard to account for when looking for a job and listing your job history. I still have an EEOC case pending, and am looking for justice.

I certify that the information given on this Form is correct to the best of my knowledge and belief, and I understand that the law provides penalties for making false statements or failing to disclose a material fact in order to cause denial of benefits not due.

Date: Aug. 1, 2012Your Signature: Valentino V. Warren

LOCAL OFFICE USE ONLY

☐ By Phone
☒ In Person
Interviewer's Signature: Ym Daniel

Aug. 1, 2012 - certificate of service

To Whom it May concern,

I have sent a copy of
the enclosed petition to:

- Arkansas Court of Appeals
625 Marshall Street
Little Rock, AR
- Department of Workforce Services
Legal Section
Little Rock, AR
- Hal Smith Restaurant
Norman, OK

on this day, Wednesday, August 1st,
2012, by certified mail, at my local
post office.

Thank You
Valentino V. Warden

Called Review
Board
Wed, Aug 1, 2012
9:39 AM

spoke to Naor

STATE OF ARKANSAS
BOARD OF REVIEW
P.O. BOX 8016
LITTLE ROCK, AR 72203

APPEAL NO. 2012-BR-01086

CLAIMANT (APPELLANT):

Claimant SSN: 085621438
Benefit Year: 121

VALENTINO WARREN
613 NEAL ST
JACKSONVILLE AR 72076

STATUTORY PROVISION(S) IN ISSUE:
Department of Workforce Services Law
Ark. Code Ann. § 11-10-514 (Supp. 2011)

EMPLOYER:

HAL SMITH RESTAURANT
3101 W TECUMSEH RD - STE 200
NORMAN OK 73072

APPEAL FROM
APPEAL TRIBUNAL DECISION:
(Appeal No. 2012-AT-03029)

AFFIRMED.

DECISION

Procedural History

The Department of Workforce Services issued a Notice of Agency Determination to the parties on February 21, 2012, denying the claimant benefits under Ark. Code Ann. § 11-10-514(a) on finding that the claimant was discharged from last work for misconduct in connection with the work. The claimant filed a timely appeal of this determination to the Appeal Tribunal, which conducted a telephone hearing on April 11, 2012, and affirmed the Department's determination. The claimant timely appealed to the Board of Review ("Board") from the decision of the Appeal Tribunal.

The Board considered the request that the Board direct that additional evidence be taken in further hearing. See Ark. Code Ann. § 11-10-525(c). However, the record reflects a reasonable opportunity, at the hearing before the Appeal Tribunal, for the presentation of evidence on the issues controlling the substantial rights of the parties in this matter. See Ark. Code Ann. §§ 11-10-524(b)(1) and 11-10-526(a)(1). Thus, having considered the entire record of prior proceedings before the Appeal Tribunal, including the

2012-BR-01086, Page 3 of 3

Decision

The claimant is denied benefits until, subsequent to filing the claim, the claimant has had at least thirty (30) days of employment covered by an unemployment compensation law of this state, another state, or the United States.

Arkansas Board of Review

Arkansas Board of Review

JUL 31 2012

Mailing Date

APPEAL RIGHTS: This decision shall become final unless it is appealed within **thirty (30) calendar days** after the mailing date noted above. Appeals are to be directed to the Arkansas Court of Appeals. If your appeal is mailed, it shall be considered to have been filed as of the date of the **postmark** on the envelope in which the appeal is contained. **See enclosure for more information on appeal rights.**

KS: jj/jn

cc: Local Office: Jacksonville
Appeal Tribunal: AR

YAHOO! MAIL

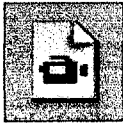
Classic

KK

From: "Jason Hart" <jhartkk@gmail.com>

To: chefvalnyc@yahoo.com

1 File (5525KB)



File20120...

Saturday, January 28, 2012 10:21 PM

I hadn't filed
until receiving this
email.

Val.

You wanted to see the evidence of your termination, and called me a liar. Here are some (note I said some) as there are many more that led to complaints about you touching the employees. Be aware I am prepared to fight unemployment, eeoc, and what ever else you come up with. You have provided me many events on tape, and have written complaints from employees. You left me no choice.

Good Luck

Appeal Docket # 2012-AT-03029
SS#: 085-62-1438

Jason Hart
Area Director
Krispy Kreme Doughnuts
KK-AOK, KK-TX, LLC.
(405)334-9612 Cell
(405)212-4551 Fax

This is additional evidence which was also submitted earlier. Mr. Hart claimed he was viewing the video above which was sent to me. This video, which I can forward, was blank and therefore what was said at the 1st Appeal on April 11, 2012, was just hearsay. I did not want to involve Ms. Sanchez, as I said pertaining to her legal status, but this is her contact #: Lourdes Sanchez - 501-615-3944

Zavier Keeny

1-30-2012

1 of 2

On 01-26-2012 I Xavier Keeny was at work at Krispy Kreme. Jason, Paul, both called me into the office. Jason said to me "Zavier do you know about the new Camera's we have installed all around (Krispy Kreme)" I said yes I do" Jason said well the Reason we called you in the office. Because we have a video of you Xavier, Valentino, so I said OK and Jason said "Well you was in drive threw and Valentino came behind you. Valentino bent you over and hugged you from behind so Paul said yes Jason showed me the tape and pictures. Jason said is there anything you have to say for yourself? I said Valentino is Married! I have no clue on what's going on and sorry if I offend you guys in any way but Valentino has never done me like that. I'm upset because Jason, Paul, is making this up and accused Valentino of Sexual Harassment

2 of 2

Something Valentino did not do to me. Valentino hugs everyone "So what" it was a friendly hug Valentino treated everyone with respect. Me personally never been or felt uncomfortable around Valentino. Jason, Paul Showing that they were trying to use me as a stepping stool like they wanted me to lie on Valentino So Jason could have a reason to fire Valentino... At the end of the day it didn't work. Valentino was fired on some racially issues and Jason, Paul let it be known that Valentino had been fired. Or if I was to friendly side hug anyone else I was going to be fired next. Paul even said that they were going to fire the old staff and hire new people.

Zaiur Kury
01-30-2012



PERFORMANCE PLUS +

Manager Self Appraisal Form

Strengths and Accomplishments in this Evaluation Period:

I feel my strengths this evaluation period is my ability to attain new tasks and maintain my composure through the minor quirks along the way. Through the computer mishaps and overall operations, I can honestly say I have kept a level head through this ordeal. I have attained a GM position which I am grateful for and have shown forth my ability to be a leader.

Opportunities and Goals in this Evaluation Period:

My goals this evaluation period are to be proficient not only in pnl operations, but also to have paperwork submitted in a timely manner along with other necessary materials. I also plan to become more efficient with Excel and all computer programming necessary for increased productivity. I have the opportunity now to show my eagerness to help promote Krispy Kreme even the more and make it a destination spot for all families.

How can you supervisor help you better:

My supervisor can help me better by being available, just as he is now. Not to seem clueless, but I welcome the opportunity to call with any questions, regardless of how simplistic or minute it may seem.

Any Other Comments:

I appreciate this company for what it is and all I have learned. I look forward to bigger and better things with Krispy Kreme/Hal Smith Restaurant Group and intend on eventually being a partner and not just an employee.

Valentino Warren

Signature

Digitally signed by Valentino Warren
DN: cn=Valentino Warren, o=Krispy Kreme Little Rock,
ou=KK1071, email=krispykreme.littlerock@gmail.com, c=US
Date: 2011.09.13 22:05:24 -05'00'

Sept. 13, 2011

Date

1 of 3

1-30-2011

To whom it may concern.

My name is Aucia Ann Robinson
I live at 6510 mabelvale cutoff 779.
You can either reach me at
(501)-442-1471 or (501) 951-4732.
You can also email me @
robinson.aucia@yahoo.com.

I'm writing you this letter on
behalf of Valentino Warren. I
worked with Mr. Warren for 4 years.
In those 4 years I have ~~not~~ worked
with him Mr. Warren has been
an outstanding manager. He
puts in 200% in everything he does
He never complains about his job
even when the times seem to
be hard. He still put a smile
on his face. As you know in the
past two months there has been
some drastic changes with
Krispy. In September Bobb / Sims
resigned as GM. In which the ~~Area~~
Area Supervisor promoted Mr. Warren to GM

2 of 3

Fast forward 2 months ~~to~~
November. The Same Area Supervisor
that promoted him to GM demoted
him. Why you ask they wasn't
happy with the store - but in
Mr. Warren defense that store
couldn't be turned around overnight.
With the resigning GM mess that
was left. The store needed at
least 6 months to regroup.
In comes the new GM
Paul Barrett he came in
with a chip on his shoulder
blaming Mr. Warren for the
store just like the Area Supervisor.
Even when Mr. Warren didn't let
that get to him. I had the
~~whole~~ opportunity to work with
Mr. Warren. He treats everyone
the same - With RESPECT. He
never made any employee feel
uncomfortable. Some would think
he is a pushover, but Mr. Warren
knows when to put his foot Down

3 of 3

He always made sure the shift was working right.

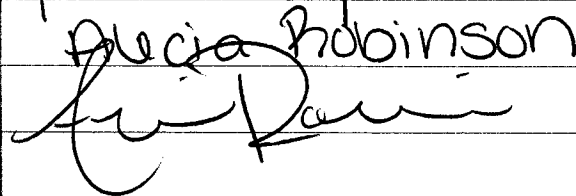
Me personally I never felt uncomfortable ever. Mr. Warren has taught me alot. he made me be a better employee.

Mr. Warren is a hard-working church going family man. This has taken a toll on the store.

In my personal opinion I think this was racially motivated-but hey! ~~It's~~ my opinion.

All in all Mr. Valentino Warren is a good no ~~good~~ GREAT Manager who is very understanding.

Yours truly

Alicia Robinson


Subject: store
From: bdk@wavelinx.net
Date: Tue, January 31, 2012 8:25 pm
To: kk1071@krisykreme.com
Cc: halws@ehsrg.com
jhartkk@gmail.com

Paul & Team;

First; congratulations on kicking the tails out of everyone on this past contest. I was very impressed with the entire groups effort and you're store was off the charts!!!

The team effort you all put forth was totally outstanding and you deserve the grand prize, dinner at Taco Bell, ha! It is amazing to see the transformation of that store in such a short time and it just shows what can happen when everyone is on the same train heading down the same track. We have made some tough management calls over there in the past four to five months and they have paid off. Valentino is a great person but the time had come for him to move on and further his future with someone else.

Bobby leaving as the leader of that store and Paul moving in has made the whole dynamics of that store swing and you should all be proud. Thank you. You are all a part of this positive move upward.

When Keith from Krispy Kreme corporate called me and said that Little Rock was a flagship store and the BEST in the United States, it made Hal and I so proud that all of you are on our team. #1 is a true testament of everyone's passion for the brand and the dedication to HSRG.

Paul, thanks for rolling up you're sleeves and digging down in the trenches to pull that store back up. I am excited about Kroger and look forward to a kick ASS 2012. I will be out in a couple of weeks after Sauced gets opened.

Cancun, here we come!

Thanks guys;

B.K.

Summary

Strengths and Accomplishments in this Evaluation Period:

Valention has taken over a high volume store and is poised to make it very successful. He has done a great job of leading his team to be successful and to continue to develop them for the better of the team. Valentino is self driven and ready to accomplish whatever we put in front of him.

Opportunities and Goals in this Evaluation Period:

Valentino needs to focus on the finer points of seeing the whole picture of his store. Do not let the parking be dirty because you do not see it. Notice when the restroom need clean. Val should also start to spend more time in staff development and cross training. Make your store as strong as it can be.

Comments by Manager:

Manager's Signature

~~September 5, 2011~~

Date

9/15/11

Area Supervisor's Signature

~~September 5, 2011~~

Date

9/15/11

Signature represents his/her acknowledgement and receipt of performance appraisal.



A-OK LLC

Manager Termination Notice**Employee Information**Employee Name: **Valentino Warren**Date: **01/27/2012**Job Title: **Assistant General Manager**Manager: **Paul Garrett**Department: **Store Management****Type of Warning**
☐ First Warning

 ☐ Second Warning

 ☒ Final Warning
Type of Offense

<input type="checkbox"/> Tardiness/Leaving Early	<input type="checkbox"/> Absenteeism	<input checked="" type="checkbox"/> Violation of Company Policies
<input type="checkbox"/> Substandard Work	<input type="checkbox"/> Violation of Safety Rules	<input type="checkbox"/> Rudeness to Customers/Coworkers
<input checked="" type="checkbox"/> Other: <u>Sexual Harrassment</u>		

Details**Description of Infraction:**

Valentino has repeatedly touched and hugged female employees who have made complaints with General Manager Paul Garrett and Area Director Jason Hart. These female employees gave us times and dates of inappropriate touching by Valentino Warren, after an investigation into the complaints we have recovered video evidence of the violations. Valentino Warren is being terminated immediately for violating AOK LLC's sexual harassment policy which he agreed to on his date of hire by his signature on accepting the policies of AOK LLC dba Krispy Kreme Doughnuts.

Acknowledgement of Receipt of Warning

By signing this form, you confirm that you understand the information in this warning. You also confirm that you and your manager have discussed the warning. Signing this form does not necessarily indicate that you agree with this warning.

Refused To Sign

Employee Signature

01/27/2012

Date

Manager Signature

01/27/2012

Date

Witness Signature (if employee understands warning but refuses to sign)

01/27/2012

Date

In 2004 I Paula Kelley (Floyd)
 Started working For Krispy Kreme. In
 that time ive seen something's that
 should never happen in a work place.

Well for starters, between 2004-
 2005. I had been questioned about Bobby
 Sims and Jose Lopez if I believed or had
 they ever made any Sexual remark's to
 me. Mr. Lopez has never. That time

Bobby hadnt either. After he ~~was~~ moved
 up to the G.M. Spot things changed

I have had good female employee
 Quit because of his comments. I
 also have had a transgender employee
 fired because in bobby's words we
 didnt need their kind here. I has also
 told me more than one time that
 his penis was large. The one time
 Valentino and I was in the office

I coming in a closing manager.
 Bobby was also there and I was
 telling a use that since he had
 started working out D that his
 penis had grown and that he
 could go longer in bed. Then he
 tell's me that I should have
 Kelley (my husband) to start to work
 out there has well and that could
 be his case. ~~I was not~~ I

then told him ^{no} thank you ~~but~~ I
 we dont have that problem.

There's also the case that person
or Kitty as we called her. We had
a cook out at merry lock & damn he
and Kitty had been drinking while
there and she told everybody that
they was sleeping together (but this
is the only reason he hired her.)
he didn't want anyone to know. This
is all so where the phrase check the
glaze come's from if a woman came
in if she was sexy or double check the
glaze would be heard. And this doesn't
count the time that for his birth
day in 09 he had an orgy recorded it
and came to work the next day
and showed it around to the back
of house and divers. One of the
statements made was how he was
doing this woman from behind
while she was smoking and on the
phone with her husband.

Paula Kelley
501.838.6215

Manager

Key Performance Standards Ratings

Core Standards

Please mark the rating that best describes this individuals performance for each standard.

1

Quality of Operations

- ☐ Outstanding
- ☐ Exceeds
- ☐ Meets
- ☐ Below
- ☐ Unsatisfactory

Comments: Valentino has shown great strides in improving his stores quality aspects. Service Quality and Cleanliness are way improved in this store. Great job motivating staff to be better and more motivated for the positives. I would focus on a few special doughnuts instead of alot of them at once.

2

Leadership

- ☐ Outstanding
- ☐ Exceeds
- ☐ Meets
- ☐ Below
- ☐ Unsatisfactory

Comments: Valentino is great at leading his staff and his managers. I am very proud of how hard he has worked and what he has done with the development of his staff. Make good people decisions to reflect your level service and cleanliness standards. You can be a great Manager if you make those around you better too.

3

Guest Focus

- ☐ Outstanding
- ☐ Exceeds
- ☐ Meets
- ☐ Below
- ☐ Unsatisfactory

Comments: Best I have. Valentino do not change anything about your level of customer service. Always be visible and up front to allow your guests and employees see what greatness is.

4

Sales and Operating Results

- ☐ Outstanding
- ☐ Exceeds
- ☐ Meets
- ☐ Below
- ☐ Unsatisfactory

Comments: We are through the transition phase here, it is time to make money. Make good labor and ingredient decisions for the profitability of your store. You have the ability to make a lot of money in this store and it is up to you and your managers to do so.

**A-OK L.L.C.****Manager Performance Warning Notice****Employee Information**Employee Name: **Valentino Warren**Date: **12/02/2011**

Employee ID:

Job Title: **Assistant General Manager**Manager: **Paul Garrett**Department: **Retail****Type of Warning**
☐ First Warning

 ☒ Second Warning

 ☐ Final Warning
Type of Offense

<input type="checkbox"/> Tardiness/Leaving Early	<input type="checkbox"/> Absenteeism	<input type="checkbox"/> Violation of Company Policies
<input checked="" type="checkbox"/> Substandard Work	<input type="checkbox"/> Violation of Safety Rules	<input type="checkbox"/> Rudeness to Customers/Coworkers
<input type="checkbox"/> Other: _____		

Details**Description of Infraction:**

Valentino has not taken any initiative to learn how to manage people and accomplish his goals. He has turned into an overpaid retail employee by not coaching or guiding staff to accomplish tasks in store. He has not promoted nor taught his staff suggestive selling on his shifts. Uniform standards are not being maintained on his shifts. He has not shown a desire to be a part of the team here, by communicating to others his disagreement with his new position.

Plan for Improvement:

Valentino will immediately begin to enforce all of the policies and standards that are put in place by Paul Garrett (GM) of Krispy Kreme 1071. He will be held responsible for communicating and holding employees accountable to these standards and policies. Valentino must manage his staff and not allow his staff to manage him. There will be no excuses for Valentino to not accomplish this immediately. Valentino must be on the same page with his GM in accomplishing goals for this store.

Consequences of Further Infractions:

There will be no further warnings or talks with these issues. Future failures to follow these plans will result in termination.

Acknowledgement of Receipt of Warning

By signing this form, you confirm that you understand the information in this warning. You also confirm that you and your manager have discussed the warning and a plan for improvement. Signing this form does not necessarily indicate that you agree with this warning.

Employee Signature

12/02/2011

Date

Manager Signature

12/02/2011

Date

Witness Signature (if employee understands warning but refuses to sign)

12/02/2011

Date

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**493-2012-00547**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Valentino V. Warren

Home Phone (Incl. Area Code)

(501) 347-7506

Date of Birth

11-28-1975

Street Address

City, State and ZIP Code

613 Neal St., Jacksonville, AR 72076

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

KRISPY KREME

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(501) 225-1699

Street Address

City, State and ZIP Code

1315 S. Shackelford Rd, Little Rock, AR 72211

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**01-27-2012**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired in June 2007 and was employed most recently as an Assistant Manager. In August 2011 I was promoted to General Manager. On or about November 6, 2011 I was demoted back to Assistant Manager. On or about December 2, 2011 I was given a disciplinary write up. On or about January 27, 2012 I was discharged.

I was told I was demoted because the company lost money. I was disciplined for substandard work. I was told I was discharged because female employees had accused me of sexual harassment.

I believe that I was demoted, disciplined, and discharged due to my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

Today's Date: Friday Nov. 11, 2011
Veterans Day

Entry #1. In Journal

Was informed SUNDAY, Nov. 6, 2011
that I would no longer be
GM of Krispy Kreme Little Rock
by district Mgr. Jason Hart.

After only a '2 month' tenure as
the newly appointed GM, I was
responsible not only for the current
condition of the store, but
past conditions as well.

During our brief meeting on Nov. 6, PM,
I informed Mr. Hart on how unfair
I felt that was, and if he could
give me til at least the end of
the year if there was some number
I was suppose to hit.

He said everything was already done
and all he needed to know if I was
still "on board" or not. In the
meeting, Mr. Hart showed me

number comparisons from last year.

I told him "you can't compare me to last years #'s considering the situation". His response was he felt it was his fault, because the store was too overwhelming for me. I replied that it was not, and I handled every situation that I came across. When needed, I phoned the other Krispy Kreme GM's on their expertise. Prior to being dismissed as GM, my period 10, TOP numbers showed a significant improvement from when I first took over as GM.

I felt even further insulted on the pm of Nov. 6, 2011 when I was told that my replacement, 'Paul Garrett' from the Lubbock store was already in Little Rock. I informed Mr Hart that it didn't matter how good my numbers were. Apparently this was already pre-planned, and I still had no prior warning, and/or notification. Was told I am valuable to the company and my pay would remain the same.

Nov. 9, 2011

Typed a letter to BK
expressing how I felt about
the situation, but regardless
I will uphold my position as
manager to the best of my
ability.

Nov. 10, 2011

If this whole transition was about losing money, why is Paul coming in spending it.

A new mobile mini is ordered for additional storage.

Raises are given to two employees to start overnight shifts.

Note: Again, if this is about losing money, why pay more to move a GM and his family?

Nov. 11, 2011

I am pretty much over the shock of everything. I am currently just a regular manager, if not, retail personnel.

Paul & his wife have taken on all job related tasks. I really don't know what my place is right now because all I am doing is performing "retail" related tasks, i.e., register, doughnuts, etc.

← Some checks from a 'House Acot' have come in. Paul has instructed me to ring them into the register. When I told him these checks have already been entered & scanned into P10 PNL, he said they still needed to be rung up, or else Robin (our accountant) may not put it on the bottom line.

Note: Again, if it were about money, why did he talk to TNT landscaping (our current landscaper) and up our service with them?

Notes:

Every PNL I sent to Jason has incident notes from the week at the bottom, saved on the office computer desk top.

Drivers sign a receipt for \$100⁰⁰ every morning, which is left in an envelope in the office with their name on it, (in an unsecured area).

Why would they need this when:

- a) the vans should be filled anyway after a route is completed.
- b) There is always a manager and/or key to provide gas money if needed to a driver.

The back room is being re-arranged to Pauls' specifications.

Totally opposite to what Jason had instructed to Andrew & myself.

Notes:

We are instructed not to say
'Welcome to Krispy Kreme' because
Paul doesn't like it.

Nov. 15, 2011

Paul has us (managers & retail) in designated areas, or "holes" as he would like to put it.

I have been pretty much turned into retail personnel.

He and his wife (Teena) do all of the paperwork. Now when I come in, I am placed either on register, display or drive thru.

He claims he's giving or given me the go ahead to make decisions, but what other decisions are there if he has already handled it? Dough calls, positions, etc. are already designated by him by the time I come in @ 7AM.

Nov 24, 2011

More changes are being made, which are totally opposite of what was told to me during my short tenure as GM.

The new manager 'Gary Stewart' is to start next week.

Paul said he will work with him to see what he knows and if he can run a shift.

Seems like it's more to it, to me.

Notes: Nov 30th

Other employees are calling me saying how the new manager is brown nosing with Paul.

Witness: Bobbie Davis says Paul made the comment "This is a real manager" to the other employees.

There is also a new safe purchased. \$322 to be exact.

Dec. 2ND 2011

Came in today after two days off & noticed All New landscaping done.

This doesn't seem like a company that has lost \$\$.

Jason (the district manager) is here today. He doesn't have too many words for me, but I greet him as I always do.

After being in the office with Paul, they come out and sit at a table in the lobby.

Next they invite the Manager Gary. After about 30min, Gary comes and tells Erick (our KEY employee) he's next.

I ask Gary if Jason is doing evaluations or something and he said he didn't know. &

30mins later they ask for me. Jason slides me a piece of paper & instructs me to read it.



Dec 2ND Cont'd

As I begin reading, I see that apparently it is a write-up stating that I am too friendly with employees & not being a team player. When I show objection to this, Jason gets abrupt with me and says "If it's too much for you and you can't take the change, then you can quit" I informed him that I had no such thought and I am a team player. Paul made the comment that I was a better man than him because if they had done that to him, he would have left. I asked why we keep talking about quitting. I have not been moping or complaining, and have been doing everything instructed & asked of me since the transition. Jason points back to the paper & says "bottom line" this is my second warning, and I know what happens after

✓

that, because he didn't even have to have this sit down, but he was doing it as a courtesy to me. I asked "Second Warning!? when was the 1st?" He said the first is when everything changed hands and I needed to be a team player. I just signed & we ended there.

30 min later I phoned the owner, BK, to let him know what had taken place so he could be aware before his DM painted a negative picture of me. He said to sit down with Paul to see how he wanted things run. I told him I had already done that and this was the end result. I told him it felt like they were 'rail roading' me to quit. Again he instructed me to have a sit down with Paul & that it's not like that. I ended the conversation saying ↓

Dec 2
Conf'd

that I just wanted to let him know what was going on & how I felt.

After Paul, Teena & Gary left for the day, the employees could see the tension, so I let them know the situation. I phoned our other manager (Andrew) and our KEY (Erick) to inform them of what was said and to be knowledgeable of what was going on, in case something else came up.

I had also phone HAL Smith (the big Owner) earlier that day. He said he would call me back after he took a friend home. When he didn't phone back, I called again when I was off work at 4:04pm and left him a voicemail.

Dec 4, 2011

Went to enter info on AS 400 system today and found my password to be disabled.

Asked the KEY Erick to enter his and he had no progress as well.

I phoned Paul at 7:20A to let him know the situation. He claimed "Something must be wrong with the system, Teena (his wife) must have messed up something". When I informed him that we wouldn't be able to complete our tasks for the day without that info, he gave me his user name & password and I entered it in without any problem.

Dec 4th Notes

I asked Paul if I could get some calendars to give to teachers at my kids school. He said "Yeah man, take as many as you need". I took the case that was already open.

F.V.I

Told Paul latch on front door needed to be fixed. Felt loose.

Dec. 6, 2011

Some employees were out so Paul & Teena came in.

Left note in mgr. book noting I could not turn on 'Hot Light' until 6AM because the glaze rings were not out yet.

Paul asked me to do a TV promo ad that he was supposed to do tomorrow morning. When I told him it was my day off, he offered a deal of me coming in 2 hours later this Friday. He said I was good with people, so I went ahead and agreed.

1pm, Gary (the new manager) came to me about a \$45 shortage on the count last night. He said he & Andrew counted it twice, and if I had any ideas, or if there were any issues that morning. I said no and went on.

2c 7, 2011

Did the KATV channel 7
romo Ad today at 5AM.

After it was done, Paul sent
me a text (saved) saying I
did a good job. If I did
sub-standard work, and wasn't
a team player, why would I
even bother with today?
On my day off.

Paul text me tonight about some
petty cash receipts in safe &
safe coming up \$100 short. I informed
him that any cash receipts I had
were placed in the invoice box. The
safe already had various receipts
in it, and the actual (cash) I
counted was \$3900⁰⁰. I informed
him one of the drivers may have it.

He text me later in the evening
letting me know they found it.

Dec 19, 2011

Today, Paul told me on the phone how he raved & praised about me & his management team to the GM's on the conference all about what a good team we had.

He said that he was gone four days and the place looked clean and great.

Dec. 30, 2011

Today when I came in @ 7AM, Paul said we we're going to get paid Monday because the way the New Year fell. I asked would it be direct deposit or would they cut a check. He said direct deposit. He said that it was weird and he didn't know why they were doing it like that, and that we'd get a full check in another two weeks. It may be legit, but in my whole tenure working for the company, this has never happened. It seemed suspicious to me, but it is what it is.

Dec 31, 2011

Paul said today that Jason may 'Pop' in.

When I asked why, he said that he normally circles the ~~parking~~ parking lot at the Hampton, and he saw (2) vans with Oklahoma plates.

Seems like a big coincidence with all this happening, but i'm not stupid. I see what's happening.

November 11, 2011

Greetings BK,

While I am not adverse as to simply making a phone call, I know you are a busy man, and I felt this would be the best tool of communication to use.

Let me start off by apologizing for any financial gains lost within my '2 month' tenure as GM in the Little Rock store.

I will admit that there were many things which I was not knowledgeable about which is standard for a GM in this company. In my defense, even though the store was making money, there were numerous issues that had to be addressed.

The store was pretty much turned upside down when it was placed in my hands. I didn't just walk into a position, but I came into a situation where over half the store was going through a remodel, with items having to be repaired, replaced and/or removed.

While coming into the knowledge and understanding of my new position, I was instructed to follow the lead of a fellow company worker. I am not saying this to place blame or make excuses. What I am stating is that some of the business decisions/directions that were made, ie., hiring of employees, inventory, etc., were not totally at my discretion.

Moving forward, my team and I have worked very hard to accomplish the goals set forth in our store. Considering the major changes and learning hiccups, yes the overall figures will not be as favorable as the previous year. If you notice my track record from when I took over to end, you can see the improvement in labor, ingredients, etc.

Increase in ingredients is a result of cross training new production personnel, **not from poor management.**

Our customer base is still the same, and there was an even better atmosphere around our customers and staff.

I feel the way the situation was handled was wrong and unprofessional. To be told the day before that I was no longer the GM was very shocking to me, my staff and the store as a whole. I will be honest and let you know that I am hurt by it, but if that was to be the direction taken, prior notice would have been appreciated.

I am a praying man and you already know my character. I just wrote this letter to not only inform you, but to vent as well.

I am appreciative at the least, of my pay and bonus structure remaining the same. I will continue to give my best at all times and still look forward to one day being a partner and not an employee.

I always value your wisdom and business expertise.

Thank you for your time and God Bless!

Kind Regards,

Valentino V. Warren

August 29, 2012

To Whom It May Concern:

It has been my honor and pleasure to have known Val Warren for about 10 years. As the Bayou Meto Elementary secretary/bookkeeper, I have worked with him both as a volunteer and a friend. Val started and continues to lead our All Pro Dads program for the past several years. This is a time for dads and granddads to have breakfast and share activities and information with their children/grandchildren.

Val has been a very active and positive mentor to students, as well as parents and grandparents. He meets and greets everyone he sees with a smile and hugs and always adds a positive word of encouragement. He never meets a stranger.

The faith that Val, along with his entire family shows, is an inspiration to all in which they come in contact. Val is one of those people who make you a better person for just knowing him. He is without a doubt a very loyal, affectionate, caring man and I am so very blessed to have him in my life.

Respectfully yours,

Debra O. Rowlett

Secretary/Bookkeeper

Bayou Meto Elementary School

501-231-5357

PHILLIP LEWIS ENGINEERING, INC.
Structural/Civil Design
#4 Shackleford Plaza, Suite 204
Little Rock, Arkansas 72211

August 28, 2012

Re: Letter of Professional Reference for Valentino V. Warren

To Whom it May Concern:

I am glad to offer this letter of professional reference on behalf of Mr. Valentino V. Warren. I came to know Val in his capacity as management for the Krispy Kreme store on Shackleford Road in Little Rock, Arkansas. I frequented the store approximately 3 to 5 times a week over the course of 5 years. During that time I came to respect and appreciate Val's never changing smile, positive attitude, and professional way in which he related to myself as well as other customer's and Krispy Kreme staff that were present. I developed a speaking relationship with Val in a relatively short period of time during my visits and during the conversations I only ever heard positive comments from him regarding his job, how business was going there, and etc. He only enhanced the experience of my visits to Krispy Kreme and I can honestly say "it is not the same without him and his positive attitude and smile there".

Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Phillip Lewis, P.E. (c.501.350.9840)